

# House File 68

HOUSE FILE \_\_\_\_\_  
BY HUNTER, WESSEL=KROESCHELL,  
KUHN, LENSING, WHITAKER,  
D. OLSON, SWAIM, BAILEY,  
and D. TAYLOR

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to mandatory disclosures in certain political  
2 telephone communications, and applying a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1756HH 82  
5 jr/es/88

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1 1 Section 1. NEW SECTION. 68A.407 DISCLOSURES RELATED TO  
1 2 POLITICAL TELEPHONE COMMUNICATIONS.  
1 3 1. For the purposes of this section, unless the context  
1 4 otherwise requires:  
1 5 a. "Legitimate poll" means a telephone communication  
1 6 conducted by a polling firm for the purpose of a scientific  
1 7 poll of respondents concerning public opinion concerning a  
1 8 candidate, public office holder, or ballot issue that is part  
1 9 of a series of like telephone communications that utilizes a  
1 10 scientific sampling technique to produce a random sample of  
1 11 interviewees.  
1 12 b. "Political telemarketing" means the canvassing of  
1 13 persons under the guise of performing a legitimate poll, with  
1 14 the purpose of encouraging support of, or opposition to, a  
1 15 clearly identified candidate for public office or the passage  
1 16 or defeat of a clearly identified ballot issue.  
1 17 2. The general assembly finds that political telephone  
1 18 communication is increasingly used in political campaigns in  
1 19 this state in a deceptive manner, including but not limited to  
1 20 the use of political telemarketing, also known as push=  
1 21 polling, where an anonymous telephone communication is  
1 22 designed to appear as a legitimate poll, but is in fact used  
1 23 as a vehicle to sway opinion through innuendo, by the  
1 24 communication of certain negative information related to a  
1 25 candidate or ballot issue in a manner designed to suggest that  
1 26 such information may be true. The general assembly declares  
1 27 that a compelling public interest exists to identify the  
1 28 source of funding of telephone communications related to  
1 29 elections, in order to prevent corruption and deceit at the  
1 30 expense of the electorate and to preserve accountability for  
1 31 expenditures made in connection with political campaigns.  
1 32 3. A candidate, an authorized representative of a  
1 33 candidate, a candidate's committee, or a political committee  
1 34 that engages either in a telephone communication for the  
1 35 purpose of soliciting contributions or in a telephone  
2 1 communication that has the effect of promoting or opposing the  
2 2 nomination or election of a candidate for public office or the  
2 3 passage of a constitutional amendment or public measure shall  
2 4 disclose all of the following by the end of the telephone  
2 5 communication:  
2 6 a. The identity of the individual who is communicating and  
2 7 the entity with which the individual is affiliated, if any.  
2 8 b. The individual or entity that paid for the telephone  
2 9 communication. If a candidate's committee or political  
2 10 committee has paid for or authorized the telephone  
2 11 communication, the name of the candidate's committee or  
2 12 political committee shall be disclosed. If any person other  
2 13 than a candidate's committee or political committee has paid  
2 14 for or authorized the telephone communication, the  
2 15 communication shall also state whether or not the  
2 16 communication has been authorized by the candidate intended to  
2 17 benefit from the communication and shall state whether the

2 18 communication is an independent expenditure.  
2 19 c. The name, telephone number, and address of an  
2 20 individual whom the communication recipient can contact for  
2 21 further information regarding the telephone communication.  
2 22 4. An individual who, on behalf of, at the direction of,  
2 23 or in cooperation with a political committee, engages either  
2 24 in a telephone communication for the purpose of soliciting  
2 25 contributions or in a telephone communication that has the  
2 26 effect of promoting or opposing the nomination or election of  
2 27 a candidate for public office or the passage of a  
2 28 constitutional amendment or public measure shall disclose all  
2 29 of the following at the commencement of the telephone  
2 30 communication:  
2 31 a. The identity of the individual who is communicating and  
2 32 the entity with which the individual is affiliated, if any.  
2 33 b. The individual or entity that paid for the telephone  
2 34 communication. If a political committee has paid for or  
2 35 authorized the telephone communication, the name of the  
3 1 political committee shall be disclosed. If any person other  
3 2 than the candidate, a candidate's committee, or a political  
3 3 committee has paid for or authorized the telephone  
3 4 communication, the communication shall also state whether or  
3 5 not the communication has been authorized by the candidate  
3 6 intended to benefit from the communication.  
3 7 c. The name, telephone number, and address of an  
3 8 individual whom the communication recipient can contact for  
3 9 further information regarding the telephone communication.  
3 10 5. The board shall adopt rules pursuant to chapter 17A  
3 11 establishing procedures to administer this section.  
3 12 EXPLANATION  
3 13 This bill creates a new Code section that requires the  
3 14 disclosure of certain information by the end of political  
3 15 telephone communications that solicit contributions or that  
3 16 have the effect of promoting or opposing a candidate or ballot  
3 17 issue. The caller must disclose the name and affiliation of  
3 18 the caller, the name of the individual or entity that paid for  
3 19 the telephone communication, whether a candidate who will  
3 20 benefit from the communication has authorized the  
3 21 communication, and the name, address, and telephone number of  
3 22 an individual whom the person can contact for further  
3 23 information regarding the communication.  
3 24 Violations of this provision are punishable under Code  
3 25 section 68A.701 as a serious misdemeanor, which carries a  
3 26 penalty of a fine of \$315 to \$1,875, and may also include a  
3 27 sentence of up to one year in jail.  
3 28 The bill also contains definitions of "legitimate poll" and  
3 29 "political telemarketing", and contains a statement of  
3 30 legislative intent regarding political telemarketing and push=  
3 31 polling.  
3 32 LSB 1756HH 82  
3 33 jr:rj/es/88